

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SAMUEL PRINSTON,

Plaintiff,

v.

DUFFICY ENTERPRISES, INC. D/B/A
DOMINO'S PIZZA and JEFF DUFFICY,

Defendants.

Civil Action No.

NOTICE OF REMOVAL

Pursuant to Sections 1331, 1441, and 1446 of Title 28 of the United States Code, Defendants Dufficy Enterprises, Inc. *d/b/a* Domino's Pizza and Jeff Dufficy (collectively, the "Defendants") hereby notice the removal of this action, which Plaintiff commenced against them in the Superior Court for the Commonwealth of Massachusetts, Norfolk County, captioned *Samuel Prinston v. Dufficy Enterprises, Inc. d/b/a Domino's Pizza and Jeff Dufficy*, Civil Docket No. 17-0522 (the "State Court Action"), to the United States District Court for the District of Massachusetts. The grounds for removal are as follows:

1. Plaintiff served his Summons, Complaint, Civil Action Cover Sheet and First Request for Production of Documents on Defendants on May 24, 2017. See 28 U.S.C. § 1446(b)(1).
2. Defendants have attached hereto as Exhibit A copies of the Summons, Complaint, Civil Action Cover Sheet and First Request for Production of Documents, which constitutes all process, pleadings, and orders that Defendants received or of which they are aware. See 28 U.S.C. § 1446(a).

3. In Count III of his Complaint, Plaintiff alleges violations of the Fair Labor Standards Act, 29 U.S.C. § 201. Accordingly, this Court has original federal question jurisdiction over this action pursuant to 28 U.S.C. § 1331. In addition, this Court has supplemental jurisdiction over the remaining Counts I and II of the Complaint pursuant to 28 U.S.C. § 1367.

4. Because this Court has federal question jurisdiction over Plaintiff's Complaint, this action may be removed to this Court. See 28 U.S.C. § 1441.

5. This Court is the District Court of the United States for the district embracing the place where the State Court Action is pending, and therefore it is the appropriate court for removal. See 28 U.S.C. § 1441(a).

6. Defendants have filed this Notice of Removal within thirty days of having received Plaintiff's Complaint "through service or otherwise," which occurred, for Defendants, on May 24, 2017. See 28 U.S.C. § 1446(b)(1).

7. A written notice of the filing of this Notice of Removal is being provided to counsel for the Plaintiff, and Defendants will file a copy of this Notice of Removal in the State Court Action. See 28 U.S.C. § 1446(d).

8. Defendants will file a certified or attested copy of all records and proceedings and all docket entries filed in the State Court Action within 28 days. See Loc. R. Civ. P. 81.1.

9. By filing this Notice of Removal, Defendants do not waive any defenses available to them.

WHEREFORE, Defendants Dufficy Enterprises, Inc. *d/b/a* Domino's Pizza and Jeff Dufficy respectfully request that this matter proceed as an action properly removed to the United States District Court for the District of Massachusetts from the Superior Court of the

Commonwealth of Massachusetts, Norfolk County.

Respectfully submitted,

DUFFICY ENTERPRISES, INC. D/B/A
DOMINO'S PIZZA AND JEFF DUFFICY

Dated: June 22, 2017

By: /s/ Jeffrey A. Fritz
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CERTIFICATE OF SERVICE

I, Jeffrey A. Fritz, hereby certify that a copy of the foregoing was mailed, first-class U.S.

Mail, postage prepaid, to the following counsel of record and parties of interest on this date.

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Plaintiff's Counsel

/s/ Jeffrey A. Fritz

Jeffrey A. Fritz